



Reprinted
April 10, 2003

ENGROSSED SENATE BILL No. 349

DIGEST OF SB 349 (Updated April 9, 2003 12:36 PM - DI 106)

Citations Affected: IC 33-4; noncode.

Synopsis: Senior judges pay. Provides that a senior judge receives, for each day after the first 30 days, a per diem equal to the minimum compensation to which a full time trial court judge is entitled. Specifies that this per diem consists of the judge's retirement benefits plus whatever additional compensation is necessary to cause the per diem to equal the minimum compensation due a full time trial court judge. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2003.

Bray, Broden

(HOUSE SPONSORS — KUZMAN, FOLEY)

January 15, 2003, read first time and referred to Committee on Judiciary.
January 30, 2003, reported favorably — Do Pass.
February 3, 2003, read second time, ordered engrossed. Engrossed.
February 4, 2003, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Appointments and Claims.
April 3, 2003, amended, reported — Do Pass. Recommended to Committee on Ways and Means.
April 7, 2003, reported — Do Pass.
April 9, 2003, read second time, amended, ordered engrossed.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 349

A BILL FOR AN ACT to amend the Indiana Code concerning
courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A senior judge is entitled to
3 **the following compensation:**

4 (1) **For each of the first thirty (30) days of service in a**
5 **calendar year, a per diem of fifty dollars (\$50). and**

6 (2) **Except as provided in subsection (c), for each day the**
7 **senior judge serves after serving the first thirty (30) days of**
8 **service in a calendar year, a per diem equal to the minimum**
9 **compensation to which a full-time trial court judge is entitled**
10 **under IC 33-13-12. The per diem described in this subdivision**
11 **consists of:**

12 (A) **retirement benefits that the person appointed as a**
13 **senior judge is receiving or entitled to receive; and**

14 (B) **additional compensation sufficient to cause the per**
15 **diem to equal the minimum compensation to which a**
16 **full-time trial court judge is entitled under IC 33-13-12.**

17 (3) **Reimbursement for:**

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1 (A) mileage; and
2 (B) reasonable expenses, including but not limited to meals and
3 lodging, incurred in performing service as a senior judge;
4 for each day served as a senior judge.

5 (b) **Subject to subsection (c)**, the per diem and reimbursement for
6 mileage and reasonable expenses under subsection (a) shall be paid by
7 the state.

8 (c) **The compensation under subsection (a)(2) must be paid by**
9 **the state from funds appropriated to the supreme court for judicial**
10 **payroll. If the payroll fund is insufficient to pay the compensation**
11 **under subsection (a)(2), the supreme court may issue an order**
12 **adjusting the compensation rate.**

13 (d) A senior judge appointed under this chapter may not be
14 compensated as a senior judge for more than one hundred (100)
15 calendar days in the aggregate during a calendar year.

16 SECTION 2. [EFFECTIVE JULY 1, 2003] (a) **IC 33-4-8-5, as**
17 **amended by this act, applies only to a senior judge who is**
18 **appointed after June 30, 2003.**

19 (b) **This SECTION expires July 1, 2008.**

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SENATE MOTION

Mr. President: I move that Senator Broden be added as coauthor of Senate Bill 349.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 349 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Appointments and Claims, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "equal to the minimum" and insert "**of one hundred dollars (\$100).**".

Page 1, delete lines 9 through 16.

Page 2, between lines 15 and 16, begin a new paragraph and insert:
 "SECTION 2. IC 33-5-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a)** There is established a superior court in St. Joseph County, Indiana, which court shall consist of eight (8) judges.

(b) To be eligible to hold office as a judge of a St. Joseph superior court, a person must be:

- (1) a resident of St. Joseph County;**
- (2) less than seventy (70) years of age at the time of taking office; and**
- (3) admitted to the practice of law in Indiana.**

SECTION 3. IC 33-5-40-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 41. (a) The commission shall submit only the names of the five (5) most highly qualified candidates from among all those eligible individuals considered. To be eligible for nomination as a judge of the St. Joseph superior court, a person must be ~~domiciled in a resident~~ **a resident** of the county of St. Joseph, a citizen of the United States, **less than seventy (70) years of age at the time of taking office**, and admitted to the practice of law in the courts of this state.

(b) In abiding by the mandate in subsection (a) of this section, the commission shall evaluate in writing each eligible individual on the following factors:

- (1) Law school record, including any academic honors and achievements;
- (2) Contribution to scholarly journals and publications, legislative draftings, and legal briefs;
- (3) Activities in public service, including:
 - (i) (A)** writings and speeches concerning public or civic affairs which are on public record, including but not limited to campaign speeches or writing, letters to newspapers, testimony before public agencies;
 - (ii) (B)** efforts and achievements in improving the administration of justice; **and**

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~~(iii)~~ (C) other conduct relating to his profession.

(4) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge;

(5) Probable Judicial temperament;

(6) Physical condition, including age, stamina, and possible habitual intemperance;

(7) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate patience, decisiveness and dedication;

(8) Membership on boards of directors, financial interest, and any other consideration which might create conflict of interest with a judicial office;

(9) Any other pertinent information which the commission feels is important in selecting the best qualified individuals for judicial office.

(c) These written evaluations shall not be made on an individual until he states in writing that he desires to hold a judicial office that is or will be created by vacancy.

(d) The political affiliations of any candidate shall not be considered by the commission in evaluating and determining which eligible candidates shall be recommended to the governor for a vacancy on the St. Joseph superior court.

SECTION 4. [EFFECTIVE JULY 1, 2003] IC 33-5-40-1, as amended by this act, does not apply to a judge who holds office on June 30, 2003, until the end of the judge's current term."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 349 as printed January 31, 2003.)

HARRIS, Chair

Committee Vote: yeas 8, nays 4.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 26, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that Senate Bill 349 be amended to read as follows:

Page 1, between lines 5 and 6, insert:

"(2) Except as provided in subsection (c), for each day the senior judge serves after serving the first thirty (30) days of service in a calendar year, a per diem equal to the minimum compensation to which a full-time trial court judge is entitled under IC 33-13-12. The per diem described in this subdivision consists of:

(A) retirement benefits that the person appointed as a senior judge is receiving or entitled to receive; and

(B) additional compensation sufficient to cause the per diem to equal the minimum compensation to which a full-time trial court judge is entitled under IC 33-13-12.

(3) Reimbursement for:

(A) mileage; and

(B) reasonable expenses, including but not limited to meals and lodging, incurred in performing service as a senior judge; for each day served as a senior judge.

(b) Subject to subsection (c), the per diem and reimbursement for mileage and reasonable expenses under subsection (a) shall be paid by the state.

(c) The compensation under subsection (a)(2) must be paid by the state from funds appropriated to the supreme court for judicial payroll. If the payroll fund is insufficient to pay the compensation under subsection (a)(2), the supreme court may issue an order adjusting the compensation rate.

(d) A senior judge appointed under this chapter may not be compensated as a senior judge for more than one hundred (100) calendar days in the aggregate during a calendar year."

Page 1, delete lines 6 through 17.

Delete page 2.

Page 3, delete lines 1 through 25.

Page 3, line 26, strike "SECTION 5" and insert "SECTION 2".

(Reference is to ESB 349 as printed April 7, 2003.)

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